

## **REMARKS**

This is in response to the non-final Office Action mailed December 3, 2007.

Currently pending are claim 38 and its dependent claims 21, 23-24, 35-37, 39-41, 50, 55-58, 61 and 63. Claims 22, 25-27, 29, 42-49, 51-54, 59-60, 62 and 64-68 have been withdrawn as being based on non-elected species.

Claim 38 is currently amended. Support for the amendment can be found throughout the originally filed application, e.g., paragraphs 0011, 0034 and 0049. No new matter is introduced. Applicants submit this amendment to place the claims in condition for allowance or better condition for Appeal pursuant to 37 C.F.R. § 1.116. Accordingly entry of this amendment is respectfully requested.

### **Claim Rejections – 35 U.S.C. §§ 101 and 112, First Paragraph**

The Examiner has rejected claims 21, 23-24, 35-41, 50, 55-58, 61 and 63 under 35 U.S.C. § 101, contending that the claimed invention lacks utility, and under § 112, first paragraph for failure to comply with the enablement requirement. The Examiner contends that “preventing” in claim 38 lacks utility, and that “applicants’ claims cannot be enabled for a method of preventing.” Applicants respectfully traverse.

However, solely to expedite prosecution, Applicants have amended claim 38 to state “attenuating, controlling and / or reducing” instead of “preventing.” This should obviate the Examiner’s rejection.

In view of the foregoing, Applicants respectfully request that the rejections be withdrawn.

### **Conclusion**

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. Accordingly, Applicants request that the Examiner issue a Notice of Allowance indicating the allowability of claims 21, 23-24, 35-41, 50, 55-58, 61 and 63 and that the application be passed to issue. If the Examiner believes, for any

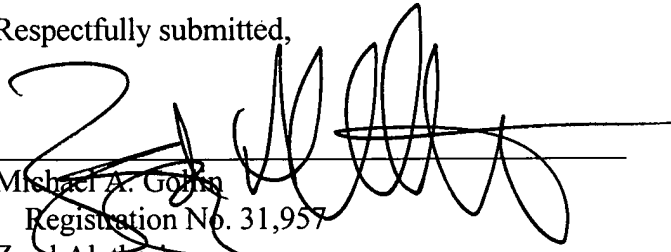
reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any additional fees which may be required for this Amendment, or credit any overpayment to deposit account no. 22-0261.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Date: Feb. 13, 2008

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to read 'Michael A. Gohm', is written over a horizontal line.

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